

16 10(5) of this code when conditions are detrimental to the health, safety, or welfare of pupils. The  
17 Legislature did not intend with the enactment of these provisions to permit a reduction in of the  
18 instructional term for students or of the employment term for personnel when the conditions  
19 causing the closure of the school are a concerted work stoppage or strike by the employees. The  
20 provisions of §18-5-45 of this code permitting accrued or equivalent instructional time to cancel  
21 days lost, and the delivery of instruction through alternative methods, do not apply to and may not  
22 be used to cancel days lost due to a concerted work stoppage or strike.

23 (b) When a concerted work stoppage or strike by the employees assigned to a school  
24 causes the county superintendent to close the school temporarily, the county board shall withhold  
25 the pay of the employees for each day that the school is closed for that cause. The county board  
26 shall apply the withheld pay to the employees who subsequently fulfill their assigned duties for  
27 the instructional term and the employment term as per their employment contract. The state  
28 portion of any funds which are withheld and are not applied for such payment shall be returned to  
29 the accounts of the Department of Education for carry-forward in the next fiscal year.

30 (c) If an originally scheduled instructional day is canceled due to a concerted work  
31 stoppage or strike by the employees assigned to a school, the school for which the day was  
32 canceled may not participate in any extracurricular activities during any part of that same day.

**§18-5-46. Requiring teacher to change grade prohibited; teacher recommendation relating to promotion.**

1 (a) No teacher may be required by a principal or any other person to change a student's  
2 grade on either an individual assignment or a report card unless there is clear and convincing  
3 evidence that there was a mathematical error in calculating the student's grade.

4 (b) The teacher's recommendation relating to whether or not a student should be promoted  
5 to the next grade level shall be a primary consideration when making such a determination.

**ARTICLE 5G. PUBLIC CHARTER SCHOOLS.**

**§18-5G-1. Legislative purpose and intent.**

1        The West Virginia Legislature hereby authorizes the establishment of public charter  
2 schools to benefit students, parents, teachers and community members by creating new,  
3 innovative and more flexible ways of educating all children within the public school system and  
4 by advancing a renewed commitment to the mission, goals, and diversity of public education. The  
5 purposes of the public charter school initiative are to:

6        (a) Improve student learning by creating more diverse public schools with high standards  
7 for student performance;

8        (b) Provide innovative educational methods and practices through programs that engage  
9 students in the learning process, thus resulting in higher student achievement;

10       (c) Enable schools to establish a distinctive school curriculum, a specialized academic  
11 theme, or method of instruction; and

12       (d) Allow schools enhanced freedom and flexibility in exchange for exceptional levels of  
13 results-driven accountability.

**§18-5G-2. Definitions.**

1        The following words used in this article and any proceedings pursuant thereto have the  
2 following meanings unless the context clearly indicates a different meaning:

3        (1) "Applicant" means any group or entity with 501(c)(3) tax-exempt status or that has  
4 submitted an application for 501(c)(3) tax-exempt status that develops and submits an application  
5 for a public charter school to an authorizer;

6        (2) "Authorizer" means the entity authorized under this article to review and approve or  
7 deny charter applications, enter into charter contracts with applicants, oversee public charter  
8 schools, and determine whether to renew, not renew, or revoke charter contracts. Authorizers  
9 include:

10       (A) A county school board in the county in which a public charter school is proposed to be  
11 located;

12       (B) Two or more county school boards representing the several counties which a public